

9. (twice amended) A tissue rivet made of an absorbable material comprising a single hollow shaft, said shaft having a truncated conical head at its front end, and a [wide] flexible [spaced portion] member at its rear end, said flexible member having a diameter larger than the diameter of said hollow shaft and capable of deforming so as to conform to the angle of the tissue and the rivet, said hollow shaft having a plurality of spaced, individual flexible projections extending radially from said hollow shaft along substantially the length of said shaft, said flexible projections being a dimension larger than the largest dimension of the head of said shaft, to hold two pieces of tissue together and to prevent movement of said rivet in the tissue.

14. (new) The tissue rivet of claim 9 in which said projections are closely spaced to one another along substantially the entire length of said hollow shaft of said rivet.

15. (new) The tissue rivet of claim 13 in which there are at least five such projections.

REMARKS

20 The Examiner rejected all of the pending claims under 35 U.S.C. § 102 based on the patent to Bays. In the alternative, the Examiner rejected the claims under 35 U.S.C. § 103 based on the patent to Bays in view of the patent to Chisholm. For the following reasons, the rejection is believed to be overcome by 25 the amendment to the claims.

30 Claim 9 of the present invention has been amended to recite that the rear end member of the rivet is flexible so as to be able to deform, as shown in Figure 4, to the angle formed by the axis of the shaft of the rivet and the tissue to be riveted together.

The larger T-shaped head of the Bays patent is not disclosed as being flexible and forms a sharp angle with the tissue creating a projection, which could result in irritation in